**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**W.P.NO.22903 OF 2005**

**Between:-**

Burri Bhumesh.

…Petitioner

And

1. The Election Officer, Primary Agricultural Co-operative Society, Laxmanchanda village & Mandal, Adilabad District.

2. The District Collector (Co-operation), Adilabad.

Respondents.

**Dt.24-10-2005.**

**ORDER:**

Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

It is stated that the petitioner is a member of the Primary Agricultural Co-operative Society, Laxmanchanda Village and Mandal of Adilabad District. Pursuant to the Election Notification, he filed two nominations on 18-10-2005 for word Nos.6 and 7. The date of scrutiny was fixed on 19-10-2005, date of withdrawal was fixed on 20-10-2005 and date of election was fixed on 26-10-2005. Even before the date of withdrawal, his nomination for ward No.6 was rejected on 19-10-2005 on the ground that he filed nomination first for Ward No.7 and therefore, the second nomination filed for ward No.6 is not valid.

It is further stated that no doubt, the petitioner is entitled to contest for only one ward and even before he exercised the option of

withdrawing one of his nominations, the second nomination was illegally rejected on the ground that he is not entitled to file nomination for more than one ward.

There is o bar to file nomination for more than one ward and when the last date was fixed for withdrawal of nomination, there cannot be any objection for filing nominations for more than one ward.

It is stated that, in fact, the petitioner has withdrawn his nomination for ward No.7 and the Election Officer after withdrawing the nomination for ward No.7, rejected the nomination for ward No.6 on the ground that the nomination filed is for second ward. Therefore, rejection of nomination by the Election Officer for Ward No.6 is illegal and not sustainable as there is no bar for filing nomination for more than one ward. The petitioner's right to contest from his chosen ward cannot be deprived as he has already withdrawn his nomination for ward No.7.

Having regard to the facts and circumstances of the case, the action of the Election Officer in rejecting the nomination of the petitioner for ward No.6 of Primary Agricultural Co-operative Society, Laxmanchanda village and Mandal of Adilabad District is set aside. As the petitioner has already withdrawn his nomination for ward No.7, he is permitted to contest as a member for ward No.6 of the said society if he is otherwise entitled to contest for such election. The Writ Petition is allowed accordingly.

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V.ESWARAIAH, J

Date: 24-10-2005.

Shr.

Note:-

1. Issue the operative portion of the order by wire at party's costs.